

MAY BE ISSUED.

(B) FINDINGS BY ARCHIVIST.

A PATENT SHALL BE PREPARED BY THE ARCHIVIST AND PRESENTED TO THE GOVERNOR ONLY AFTER AFFIRMATIVE FINDINGS BY THE ARCHIVIST THAT:

(1) NO LAND DESCRIBED IN THE CERTIFICATE HAS BEEN HELD IN POSSESSION, IN A MANNER SIMILAR TO THAT OF ADVERSE POSSESSION, FOR 20 YEARS BY A PERSON OTHER THAN THE APPLICANT AND THOSE THROUGH WHOM HE DERIVES TITLE;

(2) NO PATENT PREVIOUSLY HAS BEEN ISSUED FOR ANY LAND SHOWN IN THE CERTIFICATE OF THE SURVEYOR AS VACANT LAND;

(3) ANY LAND SHOWN IN THE CERTIFICATE OF THE SURVEYOR TO HAVE BEEN RESURVEYED HAS BEEN HELD IN POSSESSION OF THE APPLICANT AND THOSE THROUGH WHOM HE DERIVES TITLE FOR THE PERIOD OF 20 YEARS NEXT PRECEDING THE DATE OF FILING THE APPLICATION;

(4) THE VALUATION PLACED ON ANY VACANT LAND PURSUANT TO § 13-110 REPRESENTS THE ACTUAL FAIR MARKET VALUE OF THE LAND;

(5) NO PORTION OF ANY VACANT LAND DESCRIBED IN THE CERTIFICATE HAS BEEN SOUGHT BY WRITTEN REQUEST FILED IN THE PROCEEDING, BY ANY AGENCY OF THE STATE, A MUNICIPAL CORPORATION, OR THE GOVERNMENTAL BODY OF ANY STATE SUBDIVISION, FOR A PURPOSE FOR WHICH THE AGENCY, MUNICIPAL CORPORATION, OR GOVERNMENTAL BODY HAS THE POWER OF EMINENT DOMAIN; AND

(6) ALL PROCEDURAL REQUIREMENTS OF THIS TITLE HAVE BEEN FULFILLED.

(C) DETERMINATION WITHOUT HEARING.

IN ANY PROCEEDING WHERE A HEARING IS NOT REQUIRED BY § 13-112 OR, IF REQUIRED, WHERE ANY OF THE MATTERS TO BE DETERMINED BY THE ARCHIVIST ARE NOT IN ISSUE, THE ARCHIVIST MAY MAKE ANY DETERMINATION PROVIDED IN SUBSECTION (B) ON THE BASIS OF THE DOCUMENTS FILED IN THE PROCEEDING AS REQUIRED OR PERMITTED BY THIS TITLE. THE ARCHIVIST SHALL HOLD A HEARING BEFORE REFUSING TO ISSUE A PATENT.

(D) MODIFICATION OF CERTIFICATE.

IF AFTER CONSIDERATION OF THE PROCEEDINGS, INCLUDING EVIDENCE PRODUCED AT ANY HEARING WHICH MAY BE REQUIRED, THE ARCHIVIST DETERMINES THAT IT IS PROPER TO ISSUE A